

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Richard Suttle, Jr.
(512) 435-2310
[REDACTED]

May 11, 2018

Leane Heldenfels
Board of Adjustment Liaison
City of Austin
Development Services Department
505 Barton Springs Road, 1st Floor
Austin, TX 78704

Re: Item H-1 (C15-2018-0017): 1303, 1307, 1311 and 1401 South Lamar Blvd.

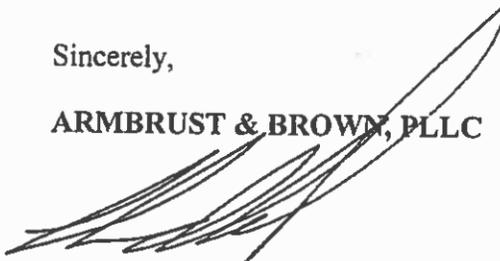
Dear Ms. Heldenfels:

The purpose of this letter is to request a one month postponement for Item H-1 (C15-2018-0017) at the Board of Adjustment meeting on May 14, 2018 to June 11, 2018. The postponement will allow for additional time to meet with the property owner located at 1108 Jewell Street. We have been in communication with the property owner and would like the opportunity to go over the request in more detail before the meeting as this is the only resident being directly impacted by the variance request.

Please contact me if you have any questions, or if you need additional information.

Sincerely,

ARMBRUST & BROWN, PLLC



Richard Suttle, Jr.



Date: May 10, 2018

TO: Board of Adjustment

Subject: Case C15-2018-0017
1303-1401 S. Lamar, Austin TX 78704

Board Members,

The Bouldin Creek Neighborhood Association at its May 7 Steering Committee meeting voted "No Position" on the applicant's compatibility setback variance request for above subject properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Strange", is written over the printed name.

Paul Strange
VP External Affairs and Zoning Chair

From: [Heldenfels, Leane](#)
To: [Ramirez, Diana](#)
Subject: C15-2018-0017/1302, 1307, 1311, and 1401 S. Lamar Blvd may late back up
Date: Thursday, May 10, 2018 12:25:16 PM

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, May 09, 2018 10:00 PM
To: Heldenfels, Leane
Subject: C15-2018-0017

Leane,

I am writing that I am in favor of the variance for increased height limitation at 1302, 1307, 1311, and 1401 S. Lamar Blvd. This would be better use of this space to add density and amenities.

Thanks,

Chris Curtis
1500 S. Lamar Blvd. Apt 4060
Austin, Texas 78704
6206178437

Zilker Neighborhood Association

zilkerneighborhood@gmail.com
2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681

May 7, 2018

Re: Case C15-2018-0017
1303-1401 S. Lamar, Austin TX 78704

Chair William Burkhardt and Board of Adjustment Members:

After recently completing 18 months of negotiations on a restrictive covenant and rezoning of this property, the Executive Committee of the Zilker Neighborhood Association is disappointed that the owners have now chosen to pursue an additional increase in development entitlements through this variance. The application contradicts information that was used as a basis for the ZNA, City staff, and Planning Commission recommendations to the City Council in connection with the rezoning cases in March 2017 and March 2018. The variance application presents no evidence that the zoning code places constraints on the redevelopment of this three-acre property that do not apply to the other VMU properties along South Lamar. In fact, the recent upzoning grants this property entitlements that are much greater than those available to the adjacent VMU property. Documentation of the upzoning confirms that the request to increase the height of new construction within the residential compatibility setback meets none of the findings required for a variance. We therefore urge you to deny this variance request.

Reasonable Use

In November 2016, the ZNA Zoning Committee began working with the applicant to rezone a large portion of the property and remove the previous 0.3:1 floor-to-area ratio limit. The rezoning was approved by the City Council in March 2018, at the same time that a private restrictive covenant was finalized between the owners and ZNA.

Exhibit A (Alta South Lamar) is a section of the site presented to ZNA in February 2017 when we were trying to calculate the maximum buildout of the property without the 0.3 FAR limit placed on it in 1989. On this portion of the property, the 0.3 FAR limit restricted the maximum size of a redevelopment project to 7,919 sf, regardless of the height limit; removal of the FAR limit increased the maximum potential redevelopment to 105,588 sf (with a limit of four floors within the compatibility setback). The variance application offers no explanation for how a seven-fold increase in development entitlements can possibly result in a denial of reasonable use.

In February 2017, the redevelopment proposal was for a VMU project with 226 multifamily units. The current variance request is for a VMU project with only 150 units. Again, the variance application does not explain how the applicant's decision to build fewer units on a larger property has anything to do with a denial of reasonable use.

Hardship

a) The application is arguing that the triggering SF-3 properties are somehow unworthy of the protections of the compatibility setbacks and that therefore the hardship is the code

requirement itself. The remedy to the first point is the rezoning of the triggering properties. That should be a fairly easy solution in the case of the City-owned properties, which could be rezoned for public or park uses in the CodeNext revision process. Rezoning the privately owned parcel is a question for the property owner. The house on the private property is not actually below the floodplain, and it retains safe access to the street, so it could most likely be remodeled or rebuilt without a floodplain variance. It definitely retains significant value as a residential property. Neither situation, however, can be resolved by the Board of Adjustment.

The location of the SF-3 properties within the floodplain presents a hardship for the owners of the SF-3 properties, but not for the commercial properties on South Lamar that loom over the residential areas to the east and west. Whether the SF-3 properties are vacant or occupied by residences is immaterial to the application of the code. In short, there is no hardship at 1303-1401 S. Lamar.

b) The existence of remnants of SF-3 zoning within or near the floodplain is general to the area between South Lamar and the railroad tracks and West Bouldin Creek, including Evergreen, West Mary, West Oltorf, Thornton, and so on. ZNA has worked on at least 9 similar cases in this area. Most of them have been resolved by rezoning. Some of those cases first wasted hours and hours of ZNA volunteer time and many more hours of Board of Adjustment hearing time making the same arguments presented in this case.

Exhibit B (2003 S. Lamar) is a zoning map from a previous case illustrating the distribution of SF-3 properties that trigger compatibility setbacks along South Lamar.

Area Character

For years ZNA has been negotiating new development proposals along South Lamar based on the need to preserve the height limits and compatibility setbacks. When we are presented with a sketch like the one in Exhibit A, we are acutely aware that the four-story building looming over the banks of Bouldin Creek is likely to have a rooftop dining area or swimming pool or both. Protecting existing neighbors in multifamily as well as single-family housing from these mostly unregulated outdoor late-night noise generators has become a major concern. The higher the rooftop, the greater the reach of the noise and nuisance, extending well beyond the 250 feet of the setback. ZNA's recent restrictive covenant with the owner was based on the new building's compliance with the compatibility height limit so that noise from the rooftop "amenities" will be contained on the site and not projected up and down Bouldin Creek or into residences west of South Lamar. This principle is being applied to all the redevelopment projects on South Lamar. ZNA considers it vital to the preservation of the quality of life and residential character of the entire area.

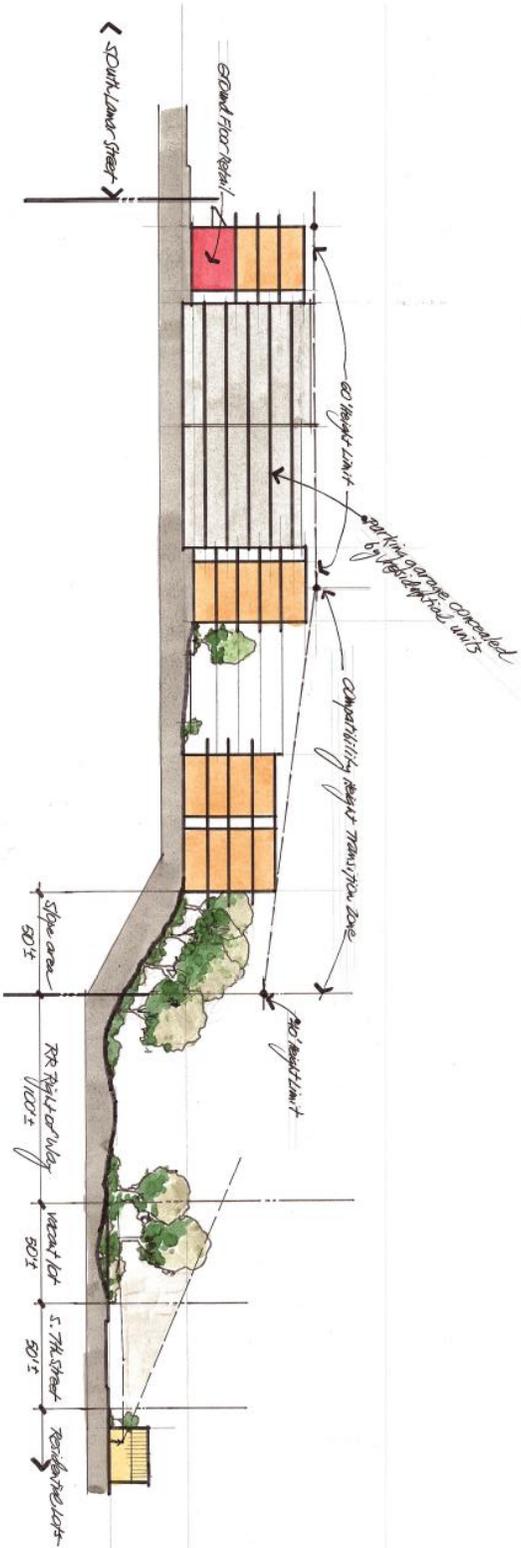
Under the circumstances, the ZNA Executive Committee must oppose this variance. We request that the Board of Adjustment deny the variance.

ZNA appreciates your service to our community.

Lorraine Atherton,
For the ZNA Executive Committee

ZNA Exhibit A
C15-2018-0017

1303-1401 S. Lamar



SITE SECTION
Alta South Lamar
Austin, Texas

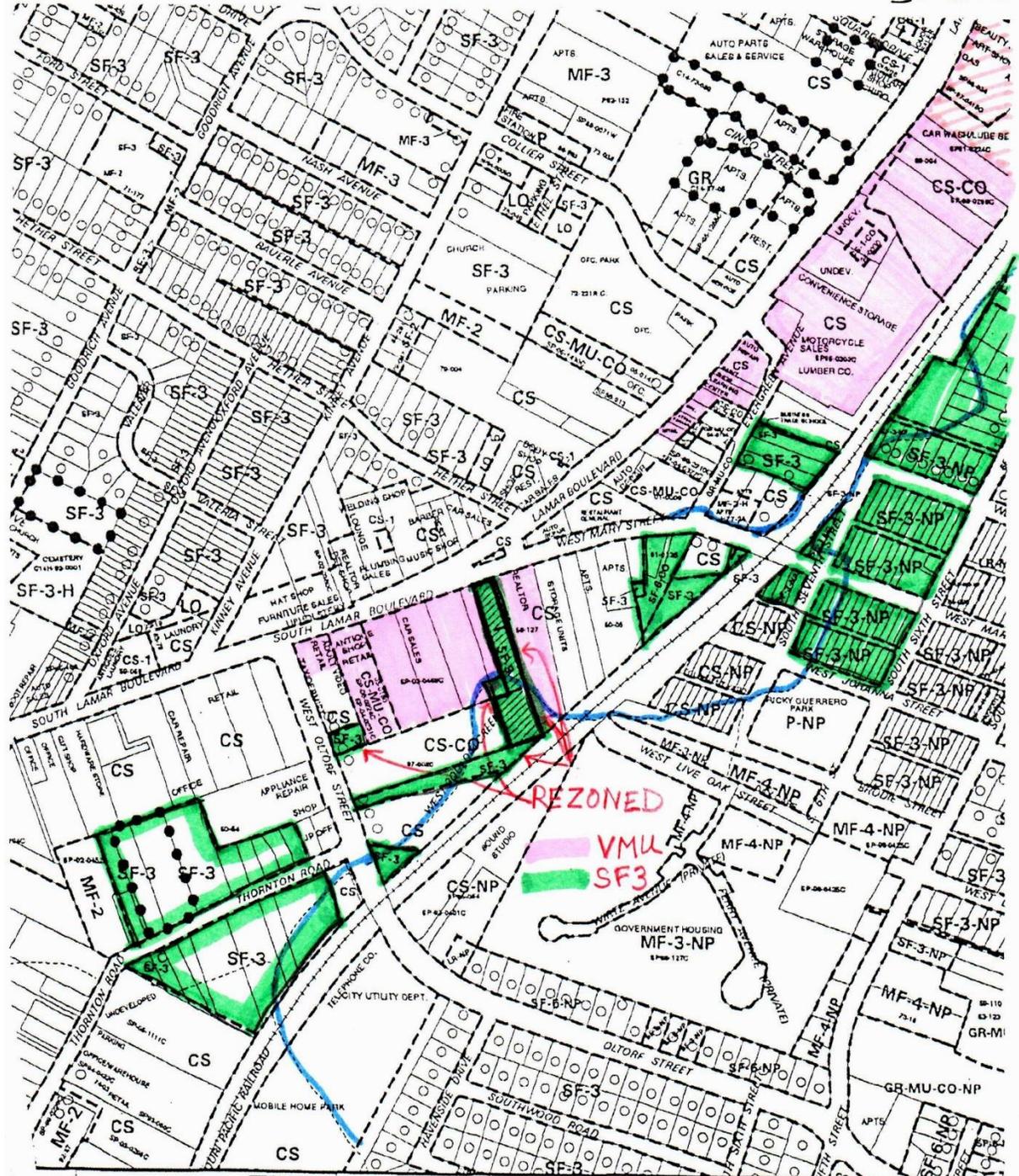
Job # 130316.00
File Name: Alta South Lamar Site Section_120317
Date: 02/01/17
Drawn by: RLG



2808 Fairmont Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3007 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

ZNA Exhibit B
C15-2018-0017

1303-1401
S. Lamar



<p>SUBJECT TRACT</p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: R. HEIL</p>		<p>CASE #: C14-06-0205</p> <p>ADDRESS: 2003 S LAMAR BLVD.</p> <p>SUBJECT AREA (approx) 0.980</p>	<p>ZONING EXHIBIT 7</p> <p>DATE: 06-10</p> <p>INTL: 011</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>H20</p>
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